

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CASE NO. 18-50070

DESTINY MIRANDA SUDDUTH

DEFENDANT

**ORDER**

Defendant's Motion for Temporary Removal from the Inmate Financial Responsibility Program (IFRP) (ECF No. 101) was referred to this Court by U.S. District Judge Timothy L. Brooks. The United States did not respond and this Motion is ripe for decision.

Defendant seeks to be relieved from IFRP payments<sup>1</sup> as a result of a COVID-19 pandemic lockdown at her facility, FCI Aliceville, in Alabama; however, this Court cannot modify or suspend Defendant's payments. IFRP is a program administered by the Bureau of Prisons (BOP) to help inmates develop plans to meet their financial obligations; participation is voluntary although there are consequences for failing to participate. *United States v. Boyd*, 608 F.3d 331, 333 (7th Cir. 2010); 28 C.F.R. § 545.11(d). According to financial records, Defendant paid the IFRP's required 2021 quarterly fine payments of \$25 on January 7, April 1, and July 1, 2021. Should Defendant fail to make her 4<sup>th</sup> quarter payment, the Court predicts BOP will consider whether Defendant should be exempted from her obligation, taking into consideration any modified operations due to the COVID-19 pandemic, including lack of a work detail assignment, along with Defendant's non-institution or community resources. 28 C.F.R. § 545.11(b). Once BOP makes a decision about Defendant's

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<sup>1</sup> Defendant is not challenging a court-ordered repayment schedule under 18 U.S.C. §3664(k).

ongoing IFRP obligations, Defendant may choose to bear the negative consequences of non-payment, or may file a challenge pursuant to 28 U.S.C. § 2241 in the district of Defendant's incarceration (Northern District of Alabama) after she exhausts her administrative remedies with the BOP. *United States v. Diggs*, 578 F.3d 318 (5th Cir. 2009). For these reasons, Defendant's Motion (ECF No. 101) is **DENIED**.

IT IS SO ORDERED this 27<sup>th</sup> day of September 2021.

/s/ Christy Comstock  
CHRISTY COMSTOCK  
UNITED STATES MAGISTRATE JUDGE